

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GBEKE MICHAEL AWALA, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:07CV589 HEA
)	
NAACP, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court upon the application of Gbeke Michael Awala for leave to commence this action without payment of the required filing fee.¹

Title 28 U.S.C. § 1915 (g)

Title 28 U.S.C. § 1915(g) provides that a prisoner may not bring a civil action in forma pauperis if “on 3 or more [earlier] occasions, . . . [the prisoner has] brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”

Discussion

Plaintiff may not seek to bring the instant action in forma pauperis pursuant to 28 U.S.C. § 1915. An automated search of applicant’s name in the Administrative Office of the Court’s U.S. Party/Case Index indicates that plaintiff has filed more than forty eight (48) actions in various federal courts around the country. At least three of these prior actions have been dismissed as frivolous. *See*

¹The Court notes that in addition to Gbeke Michael Awala, Chester Hime and Moses Hime Awala are named in the caption of the complaint as plaintiffs. Neither Hime nor Moses Hime Awala have signed the complaint nor have they submitted motions for leave to proceed in forma pauperis. Therefore, the Court will strike them from the complaint as plaintiffs.

Awala v. Federal Public Defender, Case No. 1:05-CV-281 KAJ (D.D.C., Order of August 4, 2005); *Awala v. U.S. Bishop's Office of Child and Youth Protection*, Case No. 2:05-CV-1675 RB (E.D. Pa., Order of April 18, 2005); and *Awala v. Wachovia Corp.*, Case No. 2:05-CV-2923 RB (E.D. Pa., Order of June 29, 2005). Furthermore, a review of the complaint indicates that applicant is not under "imminent danger of serious physical injury." Because applicant has had three or more previous actions or appeals dismissed as frivolous, he must pay the full \$350 filing fee. *See In re Tyler*, 110 F.3d 528 (8th Cir. 1997).

Accordingly,

IT IS HEREBY ORDERED that the plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **DENIED**. *See* 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that the applicant shall have thirty (30) days from the date of this order to pay the \$350 filing fee.

IT IS FURTHER ORDERED that if applicant fails to pay the filing fee within thirty (30) days, the Court will dismiss this action. *See* Rule 41(b) of the Federal Rules of Civil Procedure.

Dated this 16th day of April, 2007.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE